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THE SITUATION IN CENTRAL AMERICA:
PROCEDURES FOR THE ESTABLISHMENT OF A
FIRM AND LASTING PEACE AND PROGRESS
IN FASHIONING A REGION OF PEACE,
FREEDOM, DEMOCRACY AND DEVELOPMENT

SECURITY COUNCIL
Forty-seventh year

Report of the Secretary-General

1. The present report is submitted pursuant to Security Council resolution 637 (1989) of 27 July 1989 and General Assembly resolution 46/109 of 17 December 1991.

A. El Salvador

2. Since my last report, dated 2 December 1991 (A/46/713-S/23256), the long and complex negotiation process, begun on 4 April 1990 under the auspices of my predecessor, culminated in the signing in Mexico City on 16 January 1992 of the Peace Agreement between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) (A/46/864-S/23501, annex).

3. The signing of the Peace Agreement was preceded by the signing of the New York Act, on 31 December 1991, reached as a result of direct negotiations between the parties held in New York, through the good offices of the Secretary-General. In the New York Act (S/23402, annex), the parties declared, inter alia, that they had reached definitive agreements which, combined with those previously signed at San José, Mexico City and New York, completed the negotiations on all substantive items of the Caracas Agenda and the New York "Compressed Negotiations". The Act provided that the cessation of the armed conflict should take effect formally on 1 February 1992 and should conclude on 31 October 1992. The parties also agreed to finalize before 16 January 1992 the timetable for the implementation of the agreements and the modalities for the dissolution of the military structure of the FMLN and the reintegration of its members into the civil and institutional life of the country.

4. On 13 January 1992, following an intensive final round of negotiations at United Nations Headquarters under the leadership of my Personal Representative for the Central American Peace Process, Mr. Alvaro de Soto, the parties signed the New York Act II (A/46/863-S/23504, annex II). In it the parties stated that they had reached agreements which completed the negotiations on all issues outstanding when the New York Act was signed on 31 December 1991, thus opening the way for the signing of the Peace Agreement in Mexico City on 16 January 1992.

5. The Peace Agreement between the Government of El Salvador and the FMLN constitutes a comprehensive package of interrelated undertakings by both parties which aims not only at the cessation of the 12-year civil war in El Salvador, but also at tackling some of the root causes of the conflict by promoting democratization and reconciliation among Salvadorians. In that respect, it may serve as an inspiration for the settlement of other conflicts. It provides, inter alia, for significant reforms in the doctrine, structure and strength of the armed forces and security bodies (chap. I); the creation of an entirely new National Civil Police under exclusive civilian control, together with a new National Public Security Academy (chap. II); judicial reforms, including the creation of an Office of the National Counsel for the Defence of Human Rights (chap. III); reforms of the electoral system (chap. IV); modalities for land transfer, particularly in conflict zones, as well as measures of economic and social development (chap. V); and measures for the political participation of FMLN (chap. VI). The Peace Agreement also outlines modalities for the cessation of the armed conflict (chap. VII), provides for the United Nations to verify the implementation of its provisions as well as prior agreements between the parties (chap. VIII), and sets forth a detailed timetable of all actions to be undertaken by the parties (chap. IX).

6. It should be stressed that the signing of the Peace Agreement was due primarily to the determination of President Cristiani and the leadership of the FMLN to achieve a negotiated solution to the conflict. I also wish to recall that the personal participation of my predecessor helped to ensure, in the final hours of his mandate, the success of the negotiations. Similarly, I should express once again my appreciation to the Governments of Colombia, Mexico, Spain and Venezuela, as well as others, for the support provided in order to achieve peace. After participating in the signing of the Peace Agreement in Mexico on 16 January 1992, I had the opportunity to travel to El Salvador, where I sought to underscore the importance for the international community of the decision by the Salvadorians to leave behind an era of violence and embark upon the path of peace.

7. The peace agreements provided for the establishment of a Commission of the Truth, mandated to investigate serious acts of violence that have occurred since 1980 and whose impact on society urgently demands that the public should know the truth. Pursuant to the agreements, my predecessor appointed the three members of the Commission: Mr. Belisario Betancur, former President of Colombia; Mr. Reinaldo Figueredo, former Foreign Minister of Venezuela; and Professor Thomas Buergenthal, former President of the Inter-American Court for Human Rights and Honourary President of the Inter-American Institute for Human

Rights. On 13 July 1992, the Commission was formally installed in my presence at United Nations Headquarters in New York. The members of the Commission then travelled to El Salvador to commence their activities. The Commission has established a secretariat in San Salvador. It is expected that a report will be prepared and will be made public by mid-January 1993.

United Nations Observer Mission in El Salvador

8. It will be recalled that the Security Council, in resolution 693 (1991) of 20 May 1991, had established, under its authority, a United Nations Observer Mission in El Salvador (ONUSAL) to monitor all agreements concluded between the Government of El Salvador and FMLN. In the initial phase, its mandate was to verify the compliance by the parties with the Agreement on Human Rights (A/44/971-S/21541, annex), signed at San José on 26 July 1990. ONUSAL became operational on 26 July 1991 and, in addition to its headquarters in San Salvador, it opened four regional offices in San Salvador, San Miguel, San Vicente and Santa Ana, and two suboffices in Chalatenango and Usulután.

9. Soon after the signing of the New York Act, I recommended to the Security Council in my report of 10 January 1992 (S/23402 and Add.1), the enlargement of the mandate of the Mission and an immediate and substantial increase in its strength in order to assume the new verification and monitoring functions entrusted to it by the parties. I indicated, in particular, the need to establish a Military Division to verify all aspects of the cease-fire and the separation of forces, and a Police Division to monitor the maintenance of public order during a transitional period while the new National Civil Police was set up. The new Divisions, together with the existing Human Rights Division, would come under the authority of my Special Representative and Chief of Mission, Mr. Iqbal Riza. The Security Council, in its resolution 729 (1992) of 14 January 1992, approved the above-mentioned report, and decided to enlarge and extend the mandate of ONUSAL until 31 October 1992 to include the verification and monitoring of the implementation of all the agreements that were to be signed in Mexico City between the Government of El Salvador and FMLN.

10. Prior to 1 February 1992, the agreed date for the cease-fire, ONUSAL proceeded to take the necessary measures in order to carry out the new tasks assigned to the Mission. Priority was given to establishing the Military Division, which was entrusted with verifying the cessation of the armed confrontation and was placed under the command of Brigadier-General Victor Suanzes Pardo (Spain), who previously had been chief of the United Nations Observer Group for Central America (ONUCA). During the informal cease-fire (16-31 January 1992), the Military Division received its first contingents, which came both from ONUCA and directly from a number of contributing countries. The Military Division deployed its personnel at all the verification points on 31 January 1992 and one day later, as agreed, began its verification activities.

11. Since that date, the Mission has been carrying out the various verification tasks assigned to it in the agreements signed by the two parties

between 4 April 1990 and 16 January 1991. In addition, I should point out that the Mission has been increasingly called upon to use its good offices to help the two parties overcome difficulties that have arisen in the implementation of the agreements. It has done so by promoting a continuing dialogue between them, but also by elaborating, at their request, proposals conducive to overcoming existing differences. On several occasions, the Under-Secretary-General for Peace-Keeping Operations, Mr. Marrack Goulding, visited San Salvador to assist in the process of implementation. I have also been in contact with President Cristiani and the leadership of FMLN during critical periods of the process.

12. Regarding the implementation of the San José Agreement on Human Rights, as mentioned in paragraph 8 above, the Human Rights Division of ONUSAL started operating on 26 July 1992, before the signing of the Peace Agreement and the proclamation of the cease-fire. It has been functioning with a staff of 51 civilian professionals and 14 police observers. It was decided that the work of ONUSAL in relation to the San José Agreement would be the subject of a separate series of reports. The Director of the Human Rights Division has submitted five reports covering the period from 26 July 1991 to 30 June 1992 (A/45/1055-S/23037 of 16 September 1991; A/46/658-S/23222 and Corr.1, of 15 November 1992; A/46/876-S/23580 of 19 February 1992; A/46/935-S/24066 of 5 June 1992; and A/46/955-S/24375 of 12 August 1992). The last report of the Human Rights Division offers an assessment of the situation regarding those human rights whose verification was given priority in the San José Agreement, taking as a starting point the situation in El Salvador in July 1991 and highlighting the course of current events. In that report, the Director of the Human Rights Division stated that, following the cease-fire on 1 February 1992, substantial improvements were recorded with regard to rights linked to humanitarian law, as well as to other rights related to the right to life, personal liberty and personal integrity. Nevertheless, concerns were expressed regarding the persistence of alleged violations such as summary executions, death threats, systematic maltreatment of detainees and, particularly, the shortcomings of due process of law and of the obligation of the State in providing safeguards to its citizens.

13. Regarding the various processes relating to the cessation of the armed conflict, the first stage of the separation of forces following the 1 February 1992 cease-fire was completed without major incident by 6 February 1992. However, the second phase of the separation scheduled for 2 March 1992, and the concentration of the troops of both parties, suffered considerable delays. Major difficulties arose over the two public security bodies, the Treasury Police and the National Guard, which, under the Peace Agreement, were supposed to be abolished by 1 March 1992, and their members incorporated into the Army. Actions by the Government at that time raised questions on its compliance with the agreements on these points. The FMLN did not complete its second stage of concentration of troops. In addition to the above-mentioned issue, it cited the lack of infrastructure at the locations where its troops were to concentrate, as well as failure by the Government to comply with other provisions of the Agreement. For its part, the Government pointed to the inadequacy of the inventory of arms presented by the FMLN. As

I indicated in my report to the Security Council of 26 May 1992 (S/23999), suspicions that the FMLN was retaining clandestine caches of arms and ammunitions have had a destabilizing effect on the implementation process. Following discussions conducted in early June with the assistance of ONUSAL, the parties were able to resolve the impasse, in particular by rescheduling several of the deadlines included in the initial timetable. I reported to the Security Council on those developments on 19 June 1992 (S/23999/Add.1). The complete concentration of troops was finally achieved by 30 August 1992.

14. Since the beginning of the implementation process, considerable difficulty has been experienced in ensuring that political agreements were implemented together with agreements related to the demobilization of FMLN forces. As mentioned in my report to the Security Council of 26 May 1992, while one breach of the agreement cannot be used to justify another, it cannot be ignored that the implementation timetable set forth in chapter IX of the Peace Agreement was designed to synchronize the reintegration of FMLN ex-combatants and the measures to be undertaken by the Government in order to facilitate that process. Under the agreements, reintegration of FMLN ex-combatants into civilian life was to take place in five stages between 1 May and 31 October 1992. The FMLN, however, argued on several occasions that it could not comply with its calendar of demobilization unless the Government met the deadlines for the implementation of political agreements, especially those related to land, political participation by FMLN and recruitment into the National Civil Police. As mentioned in paragraph 13 above, in view of serious delays in the implementation of various provisions of the agreements, ONUSAL was called upon to assist the parties in adopting changes in the original timetable with a view to ensuring synchronization between the reintegration of FMLN combatants and the implementation of government programmes. A second revision of the timetable was agreed on 19 August 1992. As a result of those rescheduling exercises, the first two contingents of FMLN combatants - comprising 40 per cent of FMLN strength - were demobilized on 30 June 1992 and 24 September 1992.

15. As I indicated in my letter to the President of the Security Council of 19 October 1992 (S/24688), despite those delays, the intention was to retain 31 October 1992 as the date by which demobilization of the FMLN was to be completed. On 30 September 1992, however, Under-Secretary-General Goulding was informed that further FMLN demobilization would be suspended until new dates had been set for the start of the transfer of land and other aspects of the Agreements that had fallen behind schedule. On 13 October 1992, after intensive work by ONUSAL on the land issue, with the cooperation of experts inside and outside the United Nations system, I presented a proposal to the parties, which they accepted. While the problem of land was resolved, it appeared, however, that the complete dismantling of the military structure of FMLN by 31 October 1992 would be difficult to achieve, making it necessary to proceed with a final revision of the implementation timetable. On 23 October 1992, I presented a proposal in that respect to the parties, which included an extension to 15 December 1992 of the current phase of the implementation of the Peace Agreement, and I recommended to the Security Council an extension of the mandate of ONUSAL. The Security Council, in its

resolution 784 (1992) of 30 October 1992, approved an extension of the current mandate of ONUSAL for a period ending 30 November 1992. On 31 October 1992, FMLN demobilized a third contingent. To date, 60 per cent of FMLN ex-combatants have been reintegrated into civilian life.

16. The peace agreements also provided for the establishment of an ad hoc Commission mandated to evaluate the members of the Salvadorian armed forces with a view to a process of purification of the army. As a result of consultations carried out by my predecessor, three civilian personalities, Mr. Reynaldo Galindo Pohl, Mr. Abraham Rodriguez and Mr. Eduardo Molina Olivares, were appointed members of the ad hoc Commission, which was established on 19 May 1992. On 22 September, the Commission submitted its report in New York to President Cristiani of El Salvador and to me. Under the agreements, the conclusions must be followed by corresponding administrative decisions within 30 days, and implemented within 60 days of their submission. However, difficulties emerged, inter alia, regarding that timetable. On 30 October 1992, Under-Secretary-General Marrack Goulding and Assistant Secretary-General Alvaro de Soto travelled to El Salvador to discuss with the parties those and other difficulties related to the peace process. During those consultations, the Government of El Salvador and FMLN were able to reach agreement on the coming stages of the peace process, which are to culminate with the formal end of the armed conflict on 15 December 1992.

17. In addition to verifying the implementation of the agreement related to the cessation of the armed conflict, ONUSAL has been carrying out other verification tasks entrusted to it by the agreements signed by the two parties. The Military Division, which now consists of 234 military observers, has been verifying, inter alia, the reduction of Government Armed Forces, and the introduction of the new Armed Forces Reserve System. It will continue to coordinate the clearance of minefields and to monitor the situation affecting ex-combatants on both sides. The Police Division, with a total strength of 303 police observers, has been assisting the existing National Police during the transition period until the deployment of the new National Civil Police.

18. As I mentioned in paragraph 15 above, the United Nations has been actively involved in assisting the parties to overcome their differences on the land issue. The Mission has also followed closely all issues related to the creation of the new National Civil Police, the political participation of FMLN, the restoration of public administration in former zones of conflict, and reforms of the judicial and electoral systems. In addition, ONUSAL participates as an observer in the National Commission for the Consolidation of Peace (COPAZ), mandated to oversee the implementation of all political agreements reached by the parties.

19. I should point out that ONUSAL has been operating in an atmosphere of deep distrust. The insistence of the Mission on maintaining its impartiality has sometimes been misunderstood by each side as partiality towards the other. On 26 May 1992, I had to report to the Security Council (S/23999) that there had been a recurrence of threats against the security of the Mission and its personnel. Since then, further similar incidents have taken place, and I

expect that all of them will be duly investigated and measures taken to prevent any future hostile acts against personnel of the Mission.

20. The implementation of the agreements signed by the Government of El Salvador and FMLN is proving a difficult exercise for all parties concerned. Obstacles, including differences in the interpretation of the agreements and the sheer magnitude of the undertakings, have exceeded the ability of both sides to meet the deadlines of a complex timetable. This, in turn, has continued to fuel existing suspicions, which are a natural legacy of a protracted and bloody civil conflict. It is all the more important for the parties, whose determination to achieve peace made the 16 January Agreement possible, to keep in mind the overriding goal of consolidating this fragile initial phase of the peace-building process in El Salvador. The United Nations will continue to help them meet the challenges of that process.

21. In conclusion, I should like to pay tribute to my Special Representative, Mr. Iqbal Riza, and to all the personnel of ONUSAL who, under his leadership, have worked with dedication and courage, in often very difficult circumstances, to accomplish their demanding mission.

B. Guatemala

22. In my last report, I noted that, on 26 April 1991 in Mexico City, the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) had signed an Agreement on the procedure for the search for peace by political means (A/45/1007-S/22563, annex), in which they agreed to hold talks, with the Chairman of the National Reconciliation Commission of Guatemala acting as Conciliator, and in the presence of the Representative of the Secretary-General, acting as Observer. At the same time, the parties signed an agreement on a general agenda for their negotiations (A/45/1009-S/22573, annex). On 25 July 1991 in Queretaro, Mexico, after reaching a "Framework Agreement on Democratization in the Search for Peace by Political Means" (A/46/713-S/23256, annex), the parties proceeded to discuss the issue of human rights.

23. By the beginning of this year, the parties were able to agree on several provisions to be included in a future agreement on human rights, including the principle of international verification by the United Nations. Serious differences emerged, however, regarding the issues of human rights in the framework of the internal armed conflict, the "Voluntary Civil Defence Committees", the establishment of a commission mandated to inquire into violations of human rights since the beginning of the conflict, and the time of entry into force of the agreement on human rights. A long series of indirect meetings, held through the Conciliator and in the presence of the Observer, was instrumental in maintaining the dialogue between the parties from February to August 1992. The publication in May by the URNG of its proposals on other items of the agenda agreed in April 1991, and the response of the Government the following month, helped to keep attention focused on the peace process despite the impasse on the issue of human rights. Finally, in

August 1992, progress was achieved on the issue of "Voluntary Civil Defence Committees". The parties, at a face-to-face meeting in Mexico, were able to agree on a provision whereby, inter alia, the Ombudsman (Procurador) for Human Rights of Guatemala would be empowered, upon complaint, to inquire whether members of the patrols were indeed volunteers, and whether they had committed human rights abuses. In addition, the agreed text contained a pledge by the Government not to encourage the creation of new patrols, unless warranted, and laid down procedures should new patrols be established. The parties decided to make that agreed provision public.

24. The parties also agreed to try to overcome outstanding differences through a new round of indirect meetings convened by the Conciliator and in the presence of the Observer. During the past two months, little progress has been made. Therefore, I must reiterate my concern, expressed last year, that the negotiations have not proceeded at a desirable pace. While the parties, in spite of sharp differences, have fulfilled their pledge given in 1991 in Mexico not to abandon the process of negotiation, both should now strive to reinvigorate the process and redouble their efforts towards the goal of a firm and lasting peace.

C. United Nations Observer Group in Central America

25. As I mentioned in my report to the Security Council on ONUCA (S/23421 of 14 January 1992), my predecessor had indicated in October 1991 that an early and successful conclusion to the peace process in El Salvador would make it necessary to reconsider the future of ONUCA. In view of the major additional tasks of verification that fell to ONUSAL as a result of the peace agreements between the Government of El Salvador and the FMLN, I believed that the time had come for the Security Council to decide to terminate the operational mandate of ONUCA, so as to enable me to proceed with the transfer of certain personnel and equipment from ONUCA to ONUSAL and complete this deployment in El Salvador by 1 February 1992. In resolution 730 (1992) of 16 January 1992, the Security Council decided to terminate the mandate of ONUCA with effect from 17 January 1992.

26. At this juncture, I should like to pay tribute once again to the Chief Military Observer of ONUCA, Brigadier-General Victor Suanzes Pardo (Spain), to his predecessors in command and to all military and civilian personnel who served in ONUCA, for their success in establishing this first large-scale peace-keeping operation of the United Nations in the Americas and for the contribution they have made to the restoration of peace and stability in Central America.